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Working Group on Children and Armed Conflict

Conclusions on parties in the armed conflict in the Sudan

1. At its 10th meeting, on 18 September 2007, the Working Group examined the report of the Secretary-General on children and armed conflict in the Sudan (S/2007/520), introduced by the Special Representative of the Secretary-General. A representative of the Sudan participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005). Some members expressed full support for the Secretary-General's analysis and recommendations, while others expressed disagreement with certain recommendations. Some members also expressed the wish for more specific information on the context and the perpetrators of crimes related in the report.

4. Grave concern was expressed about the continued and widespread violations and abuses committed against children in the situation of armed conflict in the Sudan, in particular in Darfur, including killing, maiming and sexual violence committed against children, as well as attacks targeting civilian objects, including schools, and, in that context the importance of respect for international humanitarian law and other applicable international standards and norms by all parties to the conflict and the need to allow full, unimpeded and secure humanitarian access to children were stressed.

5. Grave concern was also expressed regarding reports of further child recruitment and use by armed groups in violation of applicable international law, commanders of the Sudan People's Liberation Army and the Sudanese armed forces, despite the clear message contained in the conclusions adopted by the Working Group (see S/2006/971).

6. Members of the Working Group welcomed steps taken by the Government of National Unity to review legislation in the field of child welfare and protection and to address violations at the national, regional and local levels.

7. Members of the Working Group welcomed the commitments made to the Special Representative of the Secretary-General during her visit to the Sudan in January 2007 and the participation at the ministerial level of the Government of

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National Unity in the Conference entitled "Free children from war", held in Paris on 5 and 6 February 2007, as positive signs of the Government's commitment to the protection of children under its jurisdiction in the context of armed conflict.

8. The importance of the full and effective implementation of Security Council resolution 1769 (2007), the Comprehensive Peace Agreement, the Darfur Peace Agreement and subsequent commitments in the framework of the Sirte peace process launched in Sirte, Libyan Arab Jamahiriya, as well as the previous conclusions adopted by the Working Group in order to better protect children in armed conflict from abuse and violations of their rights, end impunity, increase accountability for acts of violence against children committed by members of armed forces and armed groups and accelerate the implementation of disarmament, demobilization and reintegration programmes for children, were underlined.

9. Members of the Working Group stressed that, in the course of the implementation of resolution 1769 (2007), the Darfur Peace Agreement and subsequent commitments in the framework of the Sirte peace process, the protection of children, with special attention to the girl child, should remain a priority.

10. In subsequent discussions, concerns were raised by members of the Working Group in connection with the case in which a non-governmental organization, in the context of an operation called "Children Rescue", was involved in the attempted abduction of children in neighbouring Chad, and it was stressed that a clear message from the Working Group should be delivered about cases of abduction.

11. The representative of the Sudan:

(a) Expressed regret that the report of the Secretary-General did not sufficiently reflect important positive developments, such as the adoption of resolution 1769 (2007) and the convening of peace negotiations on Darfur, as well as several measures and policies adopted recently by the Government of National Unity with a view to improving the protection of children, training military personnel and reintegrating children previously associated with armed forces or armed groups into their families;

(b) Expressed deep regret that the report of the Secretary-General was not, in his opinion, based on accurate, objective and reliable information;

(c) Reaffirmed the pledge of the Government of National Unity to uphold and apply all its international and regional commitments and obligations concerning the rights of the child;

(d) Reiterated the willingness of the Government of National Unity to cooperate with the Working Group, the United Nations and its specialized agencies, funds and programmes in order to improve child protection and demobilize and reintegrate children released from armed forces and groups, and insisted on the urgent need for the international community to support national efforts in this field;

(e) Expressed regret that he was not in a position to discuss the conclusions before their adoption by the Working Group.

12. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), the Working Group agreed to the following.

Recommendations to the Security Council

13. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Government of National Unity

(a) *Recalling* its letter dated 13 February 2007, based on the Working Group's conclusions on the situation of children and armed conflict in the Sudan (see S/2006/971), in which it urged the Government of National Unity, inter alia, to take several measures in order to prevent and address the recruitment and use of children by armed forces and armed groups, tackle gender-based violence and fight impunity;

(b) *Recalling also* that the further implementation of resolution 1769 (2007) will contribute to improving the security environment and increasing child protection in Darfur;

(c) *Welcoming*:

(i) The commitments made by the Government of National Unity, including regional representatives of Southern Sudan, during the visit of the Special Representative of the Secretary-General to the Sudan from 26 January to 2 February 2007;

(ii) The participation of the Minister for Foreign Relations of the Sudan in the Paris conference entitled "Free children from war" and the support expressed on that occasion by the Government for the Paris Principles and the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups;

(iii) The participation of the Government of National Unity in the peace talks held in Sirte, Libyan Arab Jamahiriya, in October 2007;

(iv) Steps taken at the national, regional and local levels, in partnership with the United Nations, in order to improve child protection and address abuses, such as:

a. Processes of revision of applicable legislation with a view to prohibiting and criminalizing the recruitment and use of children by armed forces and armed groups;

b. The organization of training sessions for military and security personnel and the dissemination of information concerning child protection and Security Council resolution 1612 (2005);

c. The creation of dedicated mechanisms within the administration, the army, the police force and the judiciary to deal with child protection and address sexual and gender-based violence;

d. Actions taken, in particular by ceasefire institutions, to address child recruitment by the Sudan People's Liberation Army, the Sudanese armed forces and any armed group under their control and/or aligned with them, and foster the release of children;

(d) *Expressing deep concern* about:

(i) The continuing reports concerning the presence of children in both the Sudanese armed forces, the Sudan People's Liberation Army and armed groups under their control and/or aligned with them;

(ii) The high number of grave violations and abuses committed against children in the Sudan, including rape and other forms of sexual violence mostly committed against girls, killings and maimings, and abductions, especially in Darfur, and the limited number of cases in which perpetrators are brought to justice;

(iii) Cases of targeting of civilian objects, including schools and health facilities, by the Sudanese armed forces and the Sudan People's Liberation Army;

(e) *Urging* the Government of National Unity:

(i) To take concrete steps to undertake an independent verification exercise with the support of the United Nations Children's Fund (UNICEF) and the United Nations Mission in the Sudan (UNMIS) to assess and identify the children presently associated with the armed forces and armed groups under their control and/or aligned with them and to establish a national system for regular monitoring and verification, and to develop a time-bound action plan, in line with relevant Security Council resolutions and taking into account the Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, to release and reintegrate children and to address other grave violations and abuses;

(ii) To take all necessary actions to follow up on the letter of 13 February 2007 by the President of the Security Council, and for the full implementation on the ground of all its commitments and obligations, including commitments made during the visit to the Sudan of the Special Representative of the Secretary-General;

(iii) To make every effort to continue to implement the child rights act finalized by the National Council for Child Welfare, as well as the Sudan Armed Forces Act raising the minimum age for recruitment and criminalizing, inter alia, the recruitment of underage children;

(iv) To improve the security and facilitate the work of United Nations agencies and civil society organizations carrying out protection and humanitarian work for the benefit of children throughout the country, including in Darfur, in line with the joint communiqué signed on 28 March 2007 by the United Nations and the Government of National Unity;

(f) *Encouraging* it, with the support of the United Nations:

(i) To further develop, systematize and extend the geographical scope of the positive initiatives taken at regional and local levels, such as the establishment of child and protection units within the police and the training of social and judicial workers, with the intention of improving the impact on the ground of legal developments for the prevention of child recruitment and for child protection;

(ii) To provide the necessary support to the northern and southern disarmament, demobilization and reintegration commissions so that they can carry out child disarmament, demobilization and reintegration without delay, with a special focus on the release and reintegration of children;

To the Secretary-General:

(g) *Welcoming* the visit of his Special Representative to the Sudan in January 2007, commending her engagement with the parties to the conflict in order to obtain commitments to cease violations and abuses against children and to release children associated with armed forces and groups, and recommending that she continue to avail herself of opportunities to work closely with the Government of National Unity, including through a follow-up visit to the Sudan;

(h) *Commending* the efforts made by the United Nations Mission in the Sudan to restore a secure environment and contribute actively to the protection of children, including through its participation in the monitoring and reporting mechanism and its efforts to engage the parties to put an end to child recruitment and to release children;

(i) *Requesting* him to continue to seek to establish systematic dialogue with the parties to the armed conflict with the aim of preparing time-bound action plans to end the recruitment and use of children in armed forces and groups, as well as other abuses committed against children and violations of applicable international law;

(j) *Encouraging* him to accelerate, in close consultation with the African Union, the definition of appropriate modalities to support and develop child-protection capacity in the African Union-United Nations Hybrid Operation in Darfur (UNAMID);

(k) *Requesting* him to urge the United Nations system to support child protection in the disarmament, demobilization and reintegration process in the Sudan, and inviting him to call upon the international community to continue to allocate adequate funding for capacity-building in the Sudan for the implementation of time-bound action plans and for disarmament, demobilization and reintegration programmes for children;

(l) *Welcoming in addition* his statement of 8 November 2007 and the statement made by his Special Representative for Children and Armed Conflict on 13 November 2007 on the case of the attempted abduction of children in Chad, and requesting him to provide updated relevant information on this case in the next "horizontal note" by the Special Representative and to provide timely information on any future similar case to the Working Group;

To the President of the Peace and Security Council of the African Union

(m) *Commending* the efforts already undertaken by the African Union Mission in the Sudan to restore a secure environment and contribute actively to the protection of children, including through its participation in the monitoring and reporting mechanism and its efforts to engage the parties to put an end to child recruitment and to release children, and encouraging him to ensure, in close consultation with the Secretary-General, that child protection is properly addressed within the contribution of the African Union to UNAMID.

Direct action by the Working Group

14. The Working Group agreed to call upon all the parties to the armed conflict, in particular those groups mentioned in the report of the Secretary-General (S/2007/520) and the annex thereto, through a public statement by its Chairman on behalf of the Working Group:

(a) *Strongly condemning* the continuous recruitment and use of children in violation of applicable international law, as well as all other violations and abuses, especially gender-based and sexual violence, committed against children in the Sudan;

(b) *Urging all parties*:

(i) To comply fully with international humanitarian law by, inter alia, protecting the civilian population, especially children therein;

(ii) To release unconditionally all children within their ranks in any capacity in order for them to be reintegrated into their families and communities, and engage at the earliest opportunity with UNICEF, the United Nations Mission in the Sudan and UNAMID for the development of a time-bound action plan, in line with relevant Security Council resolutions and taking into account the Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, with a view to putting an end to the serious abuses perpetrated against children and ensuring transparent procedures for the release of all children;

(iii) To refrain from any new child recruitment, and to act consistently with international law in respecting the neutrality of refugee camps, settlements for internally displaced persons, schools and medical facilities as safe havens for children;

(iv) To take immediate and specific measures to put an end to and prevent the perpetration of rape and other sexual and gender-based violence by members of their respective groups, and to take disciplinary and other measures so that perpetrators are brought to justice;

(v) To allow, as a matter of priority, full, unimpeded and secure access for humanitarian assistance to children, as well as relevant international and national child-protection actors;

(c) *Welcoming* the positive step taken by the Sudan Liberation Army (Minawi) in signing onto an action plan on child recruitment and reintegration with UNICEF, and calling upon the signatories to implement the agreement without delay;

(d) *Emphasizing* that the Working Group will closely monitor, through the reports by the Secretary-General on children and armed conflict, compliance with Security Council resolution 1612 (2005) by all parties in situations of armed conflict listed in the annexes to the reports of the Secretary-General on children and armed conflict, until there is complete release of children associated with them and full implementation of action plans;

(e) *Emphasizing also* that further steps may be considered against armed groups if they do not abide by their obligations under applicable international law and relevant Security Council resolutions, including resolution 1612 (2005).

15. The Working Group agreed to address letters from the Chairman:

To the Executive Director of the United Nations Children's Fund

(a) *Commending* efforts undertaken by UNICEF in the follow-up to Security Council resolution 1612 (2005) in the Sudan, and further encouraging UNICEF to provide technical assistance to the Government of the Sudan in developing its national institutions for the protection of children in armed conflict and for the disarmament, demobilization and reintegration programme for children;

(b) *Welcoming* in particular the signing of an action plan on child recruitment and reintegration with the Sudan Liberation Army (Minawi);

(c) *Encouraging* continued dialogue with all stakeholders to secure full implementation of the existing action plan, as well as further commitments by all parties concerning the protection of children;

To the World Bank and donors

(d) *Recalling* its previous call for support for strengthened and accelerated implementation of sustainable disarmament, demobilization and reintegration programmes in the Sudan, in close cooperation with the Government of National Unity, together with civil society organizations and local communities, paying particular attention in this process to girls exploited by armed forces and groups, and inviting them to also support activities in the field of advocacy and training on child-rights protection at the regional and local levels.